IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 22942 of 2005(F)

PETITIONER:

ANIMOL K.,
MEEHERIL PUTHEN VEEDU, THULAMPARAMBU NORTH,
HARIPPAD, ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR,
SMT.BHAVANA VELAYUDHAN.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY, LOCAL ADMINISTRATION
   DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE PRINCIPAL SECRETARY,**
   DEPARTMENT OF SOCIAL WELFARE, THIRUVANANTHAPURAM.

3. **DEPUTY DIRECTOR OF PANCHAYATHS,**
   ALAPPUZHA.

4. **THE KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY ITS SECRETARY, PATTOM,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR FOR R1 TO R3,
ADV. SRI. P.C. SASIDHARAN FOR R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.22942/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CERTIFICATE ISSUED BY THE CHAIRMAN, MEDICAL BOARD, MEDICAL COLLEGE HOSPITAL, ALAPPUZHA.

EXT.P.1.A: TYPED COPY OF EXT.P.1.

EXT.P.2: COPY OF THE PROCEEDINGS OF THE DEPUTY DIRECTOR OF PANCHAYATHS DTD. 15/03/1999.

EXT.P.3: COPY OF THE DISCHARGE CERTIFICATE ISSUED BY THE SECRETARY, CHENNITHALA - THRIPERUNTHURA PANCHAYATH.

EXT.P.4: COPY OF THE G.O. (P) NO. 33/2005/SWD DTD. 05/03/2005.

EXT.P.5: COPY OF THE ORDER NO. E3-1938/2005 DTD. 25/04/2005.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 03/06/2005.

//TRUE COPY//

prv.

K.K.DENESAN, J.

WP(C).No. 22942 OF 2005 F

Dated this the 13th March, 2007.

JUDGMENT

The petitioner is a physically challenged person. She was appointed provisionally as Lower Division Clerk on 15-3-1999. After completing 179 days of service her service was terminated on 17-9-1999. The petitioner claims the benefit of Government Orders directing reinstatement of physically challenged provisional employees appointed in between 15-8-1998 and 15-8-1999 and whose services were terminated thereafter.

2. A Division Bench of this Court in W.A 1601/2006 has held that even if certain period of the service extends beyond 15-8-1999, the benefit of the Govt. Orders can be granted to such persons also, provided the date of appointment is between 15-8-1998 and 15-8-1999.

3. The writ petition is therefore allowed. The petitioner shall be reappointed as Lower Division Clerk and her service regularised in terms of the Govt. Orders on the subject. Order reappointing the petitioner shall be issued within one month from the date of receipt of a copy of the judgment.

K.K.DENESAN
Judge

jj.